

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room B  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD COMMITTEE OF THE WHOLE MINUTES**  
**MONDAY, FEBRUARY 10, 2014**

**I. CALL TO ORDER –**

Supervisor Fletcher called the meeting to order at 6:00 p.m.

**II. ROLL CALL –**

Members Present: Trustees Karen Mojica, R. Douglas Kosinski, Jeff Hicks and Dennis Fedewa, Treasurer Howard Pizzo, Clerk Mary Clark, and, Supervisor Kenneth Fletcher.

Members Absent: None

Others Present: Township Manager Richard Watkins, Deputy Manager Jenny Roberts, Community Development Director Mark Graham, Parks, Recreation and Cemeteries Director Marcus Kirkpatrick, Economic Coordinator Ed Reed, John Hanieski Economic Development Corporation Chair and Human Resources Generalist Linda Wells.

**III. SET/ADJUST AGENDA –**

Trustee Fedewa requested adding a discussion about the Board of Water and Light.

TRUSTEE FEDEWA MOVED TO APPROVE THE AGENDA AS AMENDED.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**IV. PUBLIC COMMENT – None**

**V. MANAGER'S REPORT –**

- Manager Watkins stated that bids for the water tower painting are out.
- Two major water projects for this summer will be put out for bid next week.
- Bids for the Skyway Lift station are out.
- Manager Watkins stated that the Supreme Court ruled last week that communities cannot ban the use of medical marijuana and that ruling does not affect Delta Township as the township ordinance does not ban use.

- Manager Watkins stated there is a packet compiled for the Complaint Review Committee for the Non-Discrimination Ordinance and there is an organizational meeting scheduled for February 24, 2014 at 6:00 p.m. Trustee Kosinski asked for an electronic copy of the packet be sent to the Board of Trustees, Manager Watkins agreed.
- Manager Watkins stated that the last day the Storm Debris site was open was February 8, 2014 and the company is coming to remove the debris next week. Another Storm Debris collection period has been scheduled for March 27-29 and will be a final collection.
- The Township Manager's contract expires May 1, 2014. Manager Watkins states he has asked for a 1 year extension and over the next week a proposal will be put together for the Board's consideration.

## **VI. ITEMS OF DISCUSSION –**

### **1. Annual Township Board Ethics Training, Linda Wells**

Human Resource Generalist Linda Wells gave an overview of the Ethics policy established in 2009. Ms. Wells states that this is an annual training for all Township employees. Ms. Wells stated that the entire policy is available online.

Ms. Wells stated that the intent of the policy that Public Servants shall avoid any action that which might result in or create the appearance of using a public office for private gain. That the purpose of her presence tonight is to remind everyone about the policy, it is also an opportunity for potential conflicts of interest to be disclosed and then sign off on a disclosure form. Ms. Wells listed potential conflicts of interest as well as those that may be perceived conflicts of interest.

Treasurer Pizzo noted his residence is in Player's Club Estates and addressed references to the Comprehensive Plan. Treasurer Pizzo also noted his role with Delta Business Side, yet does not speak for the Township.

Supervisor Fletcher stated that he didn't believe any of the items were a conflict. Supervisor Fletcher stated regarding representing the Township – that everyone should be speaking on behalf of themselves not on behalf of the Board as a whole or speaking on behalf of the Township. Supervisor Fletcher mentioned Treasurer's Pizzo's stating to his neighbor that there will never be a golf course at Player's Club is something that is unknown. Supervisor Fletcher stated that we can never definitively tell someone that something will never go in. Supervisor Fletcher also noted seeing in the local paper that "the Board will deal differently with it when it comes back to the Board", when in fact it was not changed. Supervisor Fletcher reiterated that while each person can speak on behalf of themselves that everyone should refrain from offering opinions on the behalf of the whole Board particularly those that have not been decided upon.

Trustee Fedewa stated that as an example after last week's meeting he was asked and gave his reason for voting on the zoning issue. He was asked why the other Board members voted the way they did and referred them to the public record or directly to the Board members themselves.

## **2. Discussion on Proposed Amendments to Vending Ordinance, Mark Graham**

Community Development Director Mark Graham introduced Michael – a Grand Ledge student who is trying to earn his Scout certifications for citizenship and communications.

Community Development Director Graham stated that this ordinance is primarily focused on the Clerk's Office and the Parks Commission. The Ordinance currently states that all vendors require a license and that is currently not being enforced within the parks for township sponsored events. Community Development Director Graham stated that the Board needs to determine whether to enforce this Ordinance – the license fee is currently \$350.

Parks, Recreation and Cemeteries Director Marcus Kirkpatrick stated that one challenge when coordinating events is setting up vendors that can provide food for the participants as the Township tries to keep costs down for participants as well as vendors who may sell an item for \$1 each and may not be motivated to spend \$350 for the few hours they are there. That the Township tries to make its events family friendly which includes the cost.

Trustee Fedewa stated that he recalls the only solid food being sold was hot dogs and asked who the vendor was. Director Kirkpatrick stated that it was the Lion's Club and the vending license does not apply to them as they are not for profit.

Trustee Fedewa asked what the cost to the Township is to process the vending application and that he agrees with the application process to ensure standards are met but doesn't want the Township to be perceived as making money given that vending is an asset to functions that the Township supports.

Clerk Clark stated that the vending ordinance requires a fee of \$350 for a 15 day permit for door-to-door or tent. The applications are reviewed by the Clerk's Office; it requires a criminal background check done by the Manager's office. Application requirements are a passport quality photo and the Clerk's office makes a badge required to be worn visibly at all times during vending. The Sheriff's office reviews applications and the Fire Department does a site visit for stationary vendors. And often times, the Building Department is involved for a sign permit.

Trustee Fedewa stated that process for a one day event seems like overkill and asked what information if any is deemed important to be checked and verified for a one day type of event.

Clerk Clark stated she believes the reason for review of the ordinance at this time is to ensure consistent practices amongst the Township as far as who/what events would be required to have a vending license. Clerk Clark stated that if the Board wishes to exempt the Township functions then it needs to be formalized. That a large part of the licensing process is the criminal background checks. Additionally review by the various departments requires staff time.

Supervisor Fletcher asked Director Kirkpatrick if there were vendors outside of the sponsor area and he stated there was one. Clerk Clark stated that other vendors have tried to do just that and it has been an issue right down to the day of the event. That during those types of events, the Sheriff's office is managing a lot of different people and gets a call from the Clerk's office saying there is a vendor without a license.

Trustee Hicks stated he understood exempting non-profits from the vending fees, however if the goal is to ensure the vendors are vetted for safety reasons – why exempt non-profits. Clerk Clark stated that the criminal background checks used to be free at some point, however now the Township has to pay for them.

Trustee Hicks asked whether non-profits have to have their status verified. Clerk Clark stated that they must provide proof of their non-profit status to an investigating officer if one is called by a resident. If the Sheriff's office responds to a call regarding a vendor soliciting and the vendor is found to not have the legal evidence of their status, they can be cited or asked to leave. Trustee Hicks asked why non-profits are not required to obtain a waiver. Clerk Clark stated that this Township Board made changes to the vending ordinance just a year ago and the decision by this board was to exempt not for profits from processing.

Clerk Clark stated that whether a vendor sells for 1 or 15 days, the cost to the Township is the same and that if a license is required for 1 day event and the Township waives the fee, then the Township has to absorb the cost of obtaining the criminal background check and all the other departments review of the applicant. Clerk Clark stated that one example of the reasons criminal background checks are important would be the case of sexual predators selling to children.

Trustee Hicks asked what the charge is for the criminal background check. Clerk Clark stated it is \$10 per person.

Treasurer Pizzo asked what the Township liability is if a criminal check isn't done and something happens. Clerk Clark stated counsel would need to be asked.

Supervisor Fletcher restated the original question as; if the Township is sponsoring an event, can the Township select particular vendors to participate **and** exempt them from the vending license requirement.

Trustee Fedewa asked what the process looks like and how do you invite one vendor and not another. Director Kirkpatrick stated that it is a challenge to get most vendors to come in. The Township has over the last couple of years, attempted to get healthier options in and have found reluctance due to the license fee and vendors not being able to recoup their costs.

Discussion ensued regarding the offering of healthy foods. Supervisor Fletcher stated that while important, is not the focus of this meeting. The question is whether to hand select certain vendors to the one day events that the Township offers and have them exempt from the vending license process or that it is open to everyone and the normal vending license process and fees apply. Clerk Clark pointed out the importance of a timely decision based on the upcoming calendar of events.

Trustee Hicks stated that he believes the biggest issue is the appearance of the Township selectively enforcing its own ordinance. Clerk Clark stated that she believes it is not as black and white as that. Trustee Hicks stated that more importantly the Township needs to come up with a consistent application of the ordinance.

It was suggested that inquiry be made to other communities regarding their process concerning these one-day or special events. Community Development Director Graham stated that they would do that and bring back information.

### **3. A Report from the Economic Development Corporation – John Hanieski**

Mr. Hanieski described the two fundamental approaches to economic development and contemporary language describes them as economic gardening which is facilitating and promotion of the existing endowment and activity and import substitution which is attraction.

Mr. Hanieski stated in the area of economic gardening, the EDC supported the Community Development Coordinator as needed. For example, business openings, ribbon cuttings and other ceremonies – members of the EDC will attend as requested. Mr. Hanieski also stated that occasionally members will be asked to give their opinion on a development matter after investigating it (such as recently with D & K Trucking). The EDC also supports the branding of Delta

Township (such as banners). Mr. Hanieski stated he would like to see more way-faring signs.

The EDC is working with the City of Charlotte, Brian Myrkle who is the economic development administrator. Mr. Myrkle is examining whether there is a way for Charlotte to promote the east side of Eaton County and whether there is a way for Delta Township and Charlotte to work together to create an image of Eaton County that is somewhat separate from the Lansing Regional area.

The EDC also teams with the Delta Side Business Association.

Mr. Hanieski stated that Delta Township leaders in the 1950's that designated 1600 acres as an industrial estate for future development. Mr. Hanieski stated that in terms of import substitution, the EDC works with LEAP (Lansing Economic Area Partnership) and the industrial estate in Delta Township he believes is of significant value to LEAP.

Mr. Hanieski added that there is another concept to import substitution and that is building economic clusters such as manufacturing, hospitality, shopping, distribution, dining and services. The final area the EDC has a presence is legal authority governed by Act 335 of 1974 to do project financing. Mr. Hanieski states there are certain limitations due to interest rates and restrictions for use of TIFA and EDC financing. The EDC also is the Township Brownfield Redevelopment Authority. Mr. Hanieski states that the EDC is primarily focused on support for the Community Development Department and Township manager Watkins.

Supervisor Fletcher asked whether Mr. Hanieski would like to speak to beautification efforts or the banners he mentioned. Mr. Hanieski stated that he believes the banners are good step forward to increase visibility along Saginaw. The road improvements by MDOT have help as well, however it is not a downtown and it would be easier if it was. Mr. Hanieski stated the thing most resembling a downtown is the Lansing Mall – where people gather.

Mr. Hanieski stated that the artwork would be an anchor on one end of the commercial strip on Saginaw. However, on the east end of the Saginaw corridor, anchoring is more difficult. The welcome sign there is virtually invisible and due to the restriction placed by MDOT along M43 it makes it more difficult. Mr. Hanieski stated he believes the way-faring signs would be an important addition.

Supervisor Fletcher inquired as to definite plans to place banners along Saginaw and Mr. Hanieski stated it was in process. Clerk Clark stated she believed that the decision had been made to move forward with the banners. Mr. Hanieski stated the EDC is still planning to contribute to the purchase of the banners however, Mr. Reed is still researching a particular vendor. Economic

Coordinator Reed stated that he currently has bids from 2 vendors and would like to have 2 more; the EDC has allocated \$5,000 for the banners and brackets.

Township Manager stated that they are hoping to have available to put up as soon as the poles are accessible. Clerk Clark asked the rationale behind obtaining 4 bids versus 3. Economic Coordinator Reed stated there are multiple companies that can make the banners, therefore a lot of competition. Some companies are using older technology than what is available and the newer technology is at a lower cost and higher quality.

Manager Watkins addressed the Welcome sign and that perhaps it could be painted with brighter colors and moved. Manager Watkins noted that Economic Development Coordinator Reed is doing work on that right now and will bring back to the EDC for continued discussion.

Trustee Fedewa noted that the way-faring and welcome sign all have to do with the branding that the Township is doing. That he has seen the same type of thing in Grand Rapids and it works well. Trustee Fedewa stated that he has concern with the banners because of previous discussions with Waverly Community Schools and co-branding discussed at that meeting. Trustee Fedewa stated that as the process moves along, he believes that Waverly should be advised about what the Township's intent is.

Trustee Kosinski noted that despite the foresight of those that came before us, there remain challenges, Economic Development Coordinator works with those types of handicaps that exist in establishing stable and attractive commercial sites along the Saginaw corridor.

Trustee Fedewa stated that a plan can be developed to resemble cluster development for the future.

Manager Watkins stated that an integral part of that is re-writing the zoning ordinance, for which there are bids out right now. Manager Watkins also stated that the sign ordinance is being revised.

Trustee Fedewa stated he believed it was being recodified only and if it is more than that he would like to review it. Manager Watkins stated that it is being recodified, and that the Township would be looking at the recommendations from the consultant. Clerk Clark stated that recodification is not a stamp of copasetic, or that it will remain as it is. Trustee Fedewa stated that he has recodified at the state level and stated that it is basically a modernization of the structure and some processes of statutes or in this case ordinances. Manager Watkins stated that the Board would be working with the consultant to put the codification together.

Supervisor Fletcher reminded the Board that originally when the 2014 Budget and Strategic Plan were discussed, part of that discussion was regarding the zoning issues along the Saginaw corridor. Trustee Kosinski agreed with Trustee Fedewa that the consultants need to have a clear sense however the responsibility is on the Board to create that vision proactively.

Trustee Kosinski stated that the Board needs to have a clear vision of what is desired along the Saginaw corridor. That perhaps the revised zoning ordinance will allow for clusters with space whether it is green space or access and parking. Trustee Kosinski stated that the Board needs to think about those things and communicate them to the consultants so that the Township moves toward those objectives.

Trustee Fedewa stated that he believes the Board needs facilitation to ensure continuity. Trustee Fedewa stated to Manager Watkins that his concern is not being certain that the cart isn't before the horse. Manager Watkins stated that his philosophy is that unless this area is in your area of expertise, the consultant is needed first to give different options and ideas that other communities are using and then the Board makes a determination whether it is good for this community.

Trustee Fedewa stated that if the Township had a community charrette similar to the Michigan Avenue – where businesses and residents gave their input - that would be the direction he would like to see. Supervisor Fletcher stated that for that charrette, they had funding to sponsor that and to his knowledge no-one has offered any funding.

Trustee Kosinski stated that the Township isn't the first to transform a worn and haphazard development into something more contemporary, attractive and sustainable. Part of the effort is to research both successes and failures, both as a Board and individually and partly is a professional enterprise by those such as Mr. Hanieski, Economic Coordinator Reed and Community Development Director Graham. Trustee Kosinski believes that the Board needs to provide a broad sense of what it wants along with a vision of what it is trying to achieve.

Trustee Fedewa stated that he believes it would benefit the Board to hear from some resources such as the Municipal League.

Mr. Hanieski stated that the Saginaw corridor is not a failure – that it serves a vital economic purpose such as fast food and many other business that are often very young start-ups that serve a varying population. Mr. Hanieski further states that it is not homogeneous from Waverly to Broadbent – that there are number of different areas with different character.



Trustee Kosinski stated that one idea is keeping the businesses near the residents in that area more neighbor friendly by physically making them accessible from the neighborhood.

Clerk Clark stated that she believed that issuance of a contract to a consultant was for the purpose of exactly this, to have this discussion. Trustee Fedewa stated that wasn't his understanding, that he thought it was to discuss the structure of the code and the blank spots and that if there was a broader intent, that the Board needs to have that discussion.

Supervisor Fletcher stated that this Board has had a discussion during the budget process, during the Strategic Plan and goals for the year, that looking into the rezoning and how Saginaw would come into play. That there have been multiple discussions. Supervisor Fletcher stated that this has never been presented as just a recodification that is separate and divorced from the Saginaw discussion. Trustee Fedewa stated that he did recall some of that discussion and that it was broad based believes it should say that it is going to be looking at what the Township can do and that is part of the recommendation should be said specifically.

Trustee Fedewa asked if it was only recodification for the East Saginaw corridor or if it was for everything. Manager Watkins stated the recodification was for all of it and looking at the entire zoning ordinance. Manager Watkins stated that there is an RFP out right now to 6 of the most well-known planning companies in the state.

Treasurer Pizzo asked it that would come to the Board and Manager Watkins confirmed that once received they will be reviewed and try to make some recommendations to the Board and it will come to the Board for discussion. Manager Watkins stated it is his intent to review the Saginaw corridor. Manager Watkins stated that Community Development Director Graham is one of the best planners around, but as he said to Trustee Fedewa previously – it would be nice to have a new set of eyes to give the Township different ideas. Manager Watkins stated his intent and belief regarding the purpose of the consultant was to get advice and suggestions and to help the Board form their vision of Saginaw Highway and the rest of the Township.

Supervisor Fletcher stated that if the vision was clear for what was to be done along Saginaw, there would be no need for a consultant. He reiterated what Mr. Hanieski said being that Saginaw isn't that bad and there are few vacancies. Supervisor Fletcher stated it is not crime ridden, nor a crisis. It is old and needs to be dressed up and unified. That working with the private owners of the properties is important. However despite the vision and suggestions, if the property owner doesn't want to do it there is not a lot the Township can do about it. Trustee Kosinski mentioned the Burger King property. Trustee Fedewa stated all kidding aside, that if the property owner doesn't want to do anything

that the Township is helpless to do anything as far as creating any incentives or anything like that.

Supervisor Fletcher stated that actually what he was saying in regard to the Burger King property is that the Township has provided many different ideas for the property. Economic Coordinator Reed has presented information to the Board on multiple occasions - the site visits and conversations held as well as a proposal. Supervisor Fletcher clarified that at the end of the day if a property owner doesn't want to do anything with an empty building that it is their choice to do so and in that case there is nothing the Township can do.

Trustee Fedewa stated that he isn't aware of everything that has been done in regard to this property, but believes there are tools available, with some bold action and the Township being willing to invest some of its taxpayer's money. Trustee Fedewa doesn't believe the Township has exhausted all of the tools that could be done and wonders if there are higher level tools that could be used.

Supervisor Fletcher stated that is why a consultant is being brought in, to look at the zoning and talk about other tools that are available and the Township is aware of. That efforts continue to be made with this property owner.

Trustee Kosinski stated that he believes it is important to take nothing off the table and leave all possibilities available. That at some point if the lowest level of tools isn't working, the highest level tools might need to be used – whatever they are. Trustee Kosinski stated there is not one solution to apply to all properties on Saginaw, that each may require a complex array of solutions. Mr. Haneski added that it may ultimately require the assistance of the State Legislature, particularly with respect to blight.

#### **4. BWL – Discussion**

Trustee Fedewa stated that the second forum was not as heavily attended as the first one, however the residents spoke very eloquently. The BWL task force defined their role and backgrounds. Trustee Fedewa stated he believes that it is a well suited makeup of individuals with broad breadth of experience and organizational backgrounds.

Trustee Fedewa stated he felt the residents did a good job of not just complaining but voicing the errors of management and that given the severity of the event zero outages are not always possible. Focus was on where the residents felt improvements could be made by the BWL. One area discussed was in regard to expanding Board representation. Trustee Fedewa asked if there was something the Township should do proactively asserting its desire to have a representative on the BWL Board.

Supervisor Fletcher stated there are a couple of different avenues – one is for the review board to assess the shortfalls and reasons for them. Supervisor Fletcher stated that next to Lansing, Delta Township is the next largest customer. Supervisor Fletcher states that Mayor Bernero has stated that he is open to expanded representation on the BWL Board, however it is still early in the process and doesn't know what that would look like. One idea is to add 5 more spots, leaving Lansing with 8 and the majority percentage of representation. Supervisor Fletcher stated that dialogue would continue.

Deputy Township Manager Jenny Roberts stated that the Township retreat is February 17<sup>th</sup> and the Board is welcome to attend. The office will be closed, however the Board meeting will be conducted.

## **VII. ADJOURNMENT**

Supervisor Fletcher adjourned the meeting at 7:56 p.m.

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, CLERK

KENNETH FLETCHER, SUPERVISOR